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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NICHOLAS BARKSDALE HOWARD,

Petitioner,

vs.

RENEE BAKER, et al.,

Respondents.

Case No. 3:16-cv-00631-RCJ-VPC

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME
TO FILE RESPONSE TO AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS (ECF NO. 14)**

(FIRST REQUEST)

Respondents move this Court for an enlargement of time of 60 days, up to and including March 5, 2018, in which to file their Response to Petitioner's Amended Petition for Writ of Habeas Corpus (ECF No. 14). This Motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel.

This is the first enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED: January 4, 2018

Submitted by:

ADAM PAUL LAXALT
Attorney General

By: /s/ Natasha M. Gebrael
Natasha M. Gebrael (Bar. No. 14367)
Deputy Attorney General

DECLARATION OF NATASHA M. GEBRAEL

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, NATASHA M. GEBRAEL, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in the United States District Court, District of Nevada, and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Nicholas Barksdale Howard v. Renee Baker, et al.*, Case No. 3:16-cv-00631-RCJ-VPC, and as such, have personal knowledge of the matters contained herein.

2. The Response to Petitioner's Amended Petition for Writ of Habeas Corpus is due to be filed on January 4, 2018.

3. This Motion is made in good faith and not for the purpose of delay.

4. I have been unable with due diligence to timely complete a Response herein. I filed a Notice of Change of Attorney on December 12, 2017, which was my first appearance in the instant case. The attorney previously assigned to this matter, Dennis Wilson, retired from the Attorney General's Office, necessitating transfer of his active files, including this case. Moreover, another Deputy Attorney General in the Post-Conviction Unit transferred out of the Attorney General's Office in December of 2017. This also required an immediate transfer of files with firm deadlines among unit members, including undersigned counsel. I am still in the process of reviewing the procedural history and relevant pleadings in the instant matter.

5. In addition to this case, I am responsible for approximately 40% of all state court habeas petitions that challenge time credits impacted by the Nevada Supreme Court's recent decision in *Williams v. State of Nevada Dep't of Corr.*, 402 P.3d 1260, with an average of 15-25 responses due per week. I am also responsible for certain non-time credit state petitions and direct appeals to the Nevada Supreme Court arising out of Attorney General prosecutions.

7. I have spoken with the Assistant Federal Public Defender in this matter, Kimberly Sandberg, Esq. and she has indicated that the Public Defender has no objection to an extension of time for Respondents to file their Response to Petitioner's Amended Petition.

8. Therefore, Respondents request an extension of time of 60 days to file a Response to the claims in Petitioner's Amended Petition for Habeas Corpus, through March 5, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 4, 2018.

/s/ Natasha M. Gebrael
Natasha M. Gebrael (Bar No. 14367)

IT IS SO ORDERED.

ROBERT C. JONES, Senior District Judge
DATED: This 10th day of January, 2018.